IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 25062 of 2004

Between:

Kilari Kondaiah, S/o. Late Yanadaiah, R/o. Sarpanch Pentrala Gram Panchayat Lingasamudram Mandal, Prakasam District.

..... PETITIONER

AND

The District Panchayat Officer, Ongole, Prakasam District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondent herein in not passing any orders restoring the cheque power to the petitioner in view of the suspension of proceedings bearing Roc.No.1307/2004(pts)/A1 dated 9-8-2004 by this Hon'ble Court order dated. 7-12-2004 in W.P.No. 22507 of 2004 as arbitrary illegal apart from gross violation of orders of this Hon'ble Court and consequently direct the respondent herein to restore the cheque power to the Petitioner forthwith pending before him.

For the Petitioner: MR.SAI GANGADHAR CHAMARTY, Advocate

For the Respondent: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following:

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ORDER:

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The petitioner claims to be elected Sarpanch of Pentrala Gram Panchayat, Lingasamudram Mandal of Prakasam District. It is stated that on the allegations of certain irregularities, the respondent issued a show-cause notice dated 09-08-2004 under Rule 42(1) of G.O.Ms.No.30 dated 20-1-1995 calling for the explanation of the petitioner as to why disciplinary action should not be taken against him, and prohibiting the petitioner from drawing General Funds/S.G.R.Y./E.F.C. funds of the Gram Panchayat, pending final orders in the matter.

It is the case of the petitioner that though he submitted explanation on 26-8-2004, the respondent has not passed any orders thereon. Thereafter, he filed W.P. No.22507 of 2004 wherein this Court by order dated 07-12-2004 directed the respondent-District Panchayat Officer, Ongole to consider the explanation of the petitioner and pass appropriate orders in accordance with law within a period of two weeks, and if no orders are passed within the said period, automatically the impugned proceedings dated 09-08-2004 shall stand suspended, and it is stated, in spite of the said direction also, the respondent has not passed any orders. Seeking a direction to the respondent to restore the cheque power to the petitioner in view of the suspension of the impugned proceedings of the respondent by virtue of the order of this Court in W.P. No.22507 of 2004, dated 07-12-2004, the present writ petition is filed.

If the respondent has not implemented the orders of this Court dated 07-12-2004 in W.P. No. 22507 of 2004, his remedy is to initiate contempt proceedings against the officers concerned, and certainly a writ petition for non-passing of orders or giving effect to the orders passed by this Court in the said writ petition, is not maintainable, and the same is accordingly dismissed. No costs.

N.V. RAMANA, J

Date: 31-12-2004

Svv

To

1. The District Panchayat Officer, Ongole, Prakasam District.

2. Two C.Cs to the Government Pleader for Panchayat Raj, High Court Buildings, A.P.,Hyderabad (OUT).

3. Two C.D. copies